

1 GERSON LAW FIRM APC  
2 GORDON L. GERSON (#70942)  
3 MARK CLAIRMONT (#211128)  
4 9255 Towne Centre Drive, Suite 300  
5 San Diego, California 92121  
6 (858) 452-5400

7 Attorney for Deutsche Bank National Trust Company,  
8 as Indenture Trustee for IMPAC CMB Trust Series 2004-5

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10 UNITED STATES BANKRUPTCY COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 In re ) CASE NO. 10-41653  
14 Mark Kesel, ) REQUEST FOR SPECIAL NOTICE AND  
15 Debtor. ) INCLUSION IN LIST OF CREDITORS AND  
16 INTERESTED PARTIES

17 **FILE BY FAX**

18 TO THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, NORTHERN  
19 DISTRICT OF CALIFORNIA, OAKLAND DIVISION AND SARA L. KISTLER, U.S.  
20 TRUSTEE, THE DEBTOR AND HIS ATTORNEYS OF RECORD AND ALL PARTIES IN  
21 INTEREST:

22 PLEASE TAKE NOTICE, Cohen Financial Servicing LLC, Trustee (referred to as the  
23 "Party") hereby requests all notice of all events relevant to the above-referenced bankruptcy and  
24 copies of all pleadings and documents filed in relation to the above-referenced bankruptcy,  
25 including all pleadings or notices under Fed. R. Bankr. P. 2002, be served on Party's attorney as  
26 follows:

27 GERSON LAW FIRM APC  
28 GORDON L. GERSON (#70942)  
29 MARK CLAIRMONT (#211128)  
30 9255 Towne Centre Drive, Suite 300  
31 San Diego, California 92121

32 In addition, the Party requests that Party's attorney be added to the Master Mailing List in  
33 this case.

JUN - 7 2010  
BANKRUPTCY COURT  
OAKLAND, CALIFORNIA  
**FILED**

ORIGINAL

1        Neither this Request for Notice nor any subsequent appearance, pleading, claim, proof of  
2 claim, document, suit, motion nor any other writing or conduct, shall constitute a waiver of the  
3 within Party's:

4                (a)      Rights to have any and all final orders in any and all non-core matters  
5 entered only after *de novo* review by a United States District Court Judge;

6                (b)      Rights to trial by jury in any proceeding as to any and all matters so triable  
7 herein, whether or not the same be designated legal or private rights, or in any case, controversy or  
8 proceeding related hereto, notwithstanding the designation *vel non* of such matters as "core  
9 proceedings" pursuant to 28 U.S.C. § 157(b)(2)(H), and whether such jury trial right is pursuant to  
10 statute or the United States Constitution;

11               (c)      Rights to have the reference of this matter withdrawn by the United States  
12 District Court in any matter or proceeding subject to mandatory or discretionary withdrawal; and

13               (d)      Other rights, claims, actions, defenses, setoffs, recoupments or other matters  
14 to which Party is entitled under any agreements or at law or in equity or under the United States  
15 Constitution.

16        All of the above rights are expressly reserved and preserved unto Party without exception  
17 and with no purpose of confessing or conceding jurisdiction in any way by this filing or by any  
18 other participation in these matters.

19        Dated: June 4, 2010

20               By: \_\_\_\_\_  
21               GERSON LAW FIRM APC  
22               GORDON L. GERSON,  
23               Attorney for Deutsche Bank National  
24               Trust Company, as Indenture Trustee for  
25               IMPAC CMB Trust Series 2004-5  
26  
27  
28

1                   PROOF OF SERVICE BY MAIL

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3                   I, the undersigned, certify and declare I am a citizen of the United States, over the age of  
4                   18 years and not a party to the within action. On **June 4, 2010**, I served the following  
4                   document(s):

5                   REQUEST FOR SPECIAL NOTICE AND INCLUSION IN LIST OF CREDITORS AND  
6                   INTERESTED PARTIES

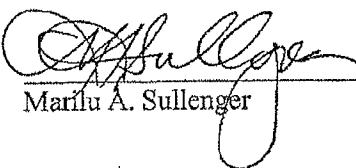
7                   on the addressee(s) listed below by placing a true copy thereof enclosed in a sealed envelope, with  
8                   postage thereon fully prepaid, in the United States mail at San Diego, California, addressed as  
8                   follows:

9                   Judith Whitman, Esq.  
10                  Diemer, Whitman and Cardosi  
11                  75 E. Santa Clara St., Suite 290  
11                  San Jose, CA 95113

12                  U.S. Trustee  
13                  Sara L. Kistler  
14                  Regional Office  
14                  235 Pine Street, Suite 700  
15                  San Francisco, CA 94104-3401

16                  Midland Loan Services, Inc.  
17                  P.O. Box 25965  
17                  Overland Park, KS 66225-5965

19                  I hereby certify I am employed by a member of the bar of this court. Executed **June 4,**  
20                  **2010**, at San Diego, California.

21                    
22                  \_\_\_\_\_  
23                  Marilu A. Sullenger